

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Ryan

MAILED: January 29, 2004

Opposition No. 91150298

Baxter International Inc.

v.

Inviro Medical Devices Ltd.

Karyn K. Ryan, Interlocutory Attorney
Trademark Trial and Appeal Board.

Opposer's December 23, 2003 consented motion to extend discovery and testimony dates is granted to the extent of the schedule set forth below.

Additionally, we grant opposer's January 12, 2004 consented motion to extend its time to file its response to applicant's December 22, 2003 motion to further amend its answer and counterclaim. The deadline for opposer's response on the motion to amend is deemed to have been extended until January 19, 2004.

The close of discovery and trial dates are reset as follows:

THE PERIOD FOR DISCOVERY TO CLOSE:	Deemed to have closed on January 17, 2004
30-day testimony period for party in position of plaintiff to close:	April 16, 2004

30-day testimony period for party
in position of defendant in
the opposition and plaintiff in
the counterclaim to close:

June 15, 2004

30-day rebuttal testimony period
for defendant in the counterclaim and
plaintiff in the opposition to close:

August 14, 2004

15-day rebuttal testimony period for
plaintiff in the counterclaim to
close:

September 28, 2004

Briefs shall be due as follows:
[See Trademark Rule 2.128(a)(2)].

Brief for plaintiff in the
opposition shall be due:

November 27, 2004

Brief for defendant in the
opposition and plaintiff in
the counterclaim shall be due:

December 27, 2004

Brief for defendant in the
counterclaim and reply brief,
if any, for plaintiff in the
opposition shall be due:

January 26, 2005

Reply brief, if any, for
plaintiff in the counterclaim
shall be due:

February 10, 2005

IN EACH INSTANCE, a copy of the transcript of testimony, together with
copies of documentary exhibits, must be served on the adverse party
within thirty days after completion of the taking of testimony.
Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule
2.128(a) and (b). An oral hearing will be set only upon
request filed as provided by Trademark Rule 2.129.

The Board will render its decision on the motion to amend in due course.¹

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Notice Regarding TTAB Electronic Resources and New Rules

- TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.
- Parties should also be aware of changes in the rules affecting trademark matters, including rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003) Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes are available at www.uspto.gov.
- The second edition of the Trademark Trial and Appeal Board Manual of Procedure (TBMP) has been posted on the USPTO web site at www.uspto.gov/web/offices/dcom/ttab/tbmp/.

¹ The record does not show any response to the motion to amend. Nonetheless, we find that Board action on the motion to amend at this time would be premature inasmuch as Board personnel have not yet processed and entered all incoming mail that may have been received by the January 19, 2004 deadline.